

# DESOTO COUNTY BOARD OF SUPERVISORS

## BOARD MEETING MINUTES

JESSIE MEDLIN, PRESIDENT 2002 PRESIDING

August 28, 2002

### A. CALL TO ORDER

The August 28<sup>TH</sup>, 2002, meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Commander John Magness of the DeSoto County Sheriff's Department was present and did open the DeSoto County Board of Supervisors meeting in a regular session to hear any and all business to come before the Board. The following were present:

Supervisor Jessie Medlin-----District 1  
Supervisor Eugene C. Thach-----District 2  
Supervisor Gerald Clifton-----District 3  
Supervisor John Caldwell---District 4 ---Absent  
Supervisor Tommy Lewis-----District 5  
W. E. Sluggo Davis-----Chancery Clerk  
Commander John Magness-----Sheriff's Dept.  
David Armstrong-----County Administrator  
Bobby Chamberlin-----Board Attorney

### B. INVOCATION

Deputy Johnny Combes presented the invocation.

### C. PLEDGE OF ALLEGIANCE

### D. OLD BUSINESS

### E. NEW BUSINESS

#### 1. Budget FY03

Supervisor Tommy Lewis said the Board should not take a vote on the budget discussion by individual item, because everything is subject to change before the budget is approved, and especially after the public hearing. The Board discussed the validity of Supervisor Lewis' statement, but determined a vote was sometimes necessary during budget planning when the Board differed on how the budget should be adopted. Such a vote was necessary for the County Administrator to know how to adjust the budget. The Board agreed that any votes taken before the budget is adopted is for the proposed budget only.

The County Administrator David Armstrong said there are six public defenders in the County. Four work in the Circuit Court at a salary of \$28,500 and two work in Justice Court and Youth Court at a salary of \$20,000. Mr. Armstrong said the Circuit Court Judge George Ready and the County Court Judge Mills Barbee are requesting increases to \$40,000 in

Circuit  
**ITEM E.1, CONTINUED,**

Court and \$30,000 in Justice Court and County Court. Supervisor Medlin asked if the Public Defenders got a salary increase last year. Mr. Armstrong said the Youth/Justice Court went from \$17,000 to \$20,000 last year and the Circuit Court from \$27,000 to \$28,500. Supervisor Thach said last year County employees got a 3% raise when these employees got a much larger raises.

Supervisor Thach said the Board has responsibility to look at the whole county, where the judges are interested in only one area. He said the public should know the judges requested the huge raises—not the Board.

Judge Barbee said on July 2, 2002, he sent a letter to the Board about the increases. He said that he and Judge Ready know what authority they have and they encouraged the Board to look into that as well. Judge Barbee said he and Judge Ready sent an Order of Recommendation—not a mandate--regarding the proposed raises. Judge Barbee said the law says that the County Court Judge is mandated to set the salary of his Court Administrator.

Judge Barbee said when he was elected, there were gravel roads in the County and he worked for \$11,000 per year. In those days most cases were plead and Youth Court saw less than 100 cases. Now there are no gravel roads and our Public Defenders are paid for 20 to 30 hours of work each week. Most cases are two-day cases. Although I am proud to have put myself in this position, I am on call 24 hours per day and carry my cell phone at all times.

At Supervisor Thach's request for justification of such pay increases, Judge Barbee assured the Board that the increase is warranted. He said he is attempting to get her salary up with comparable counties. Judge Barbee said we must take care of our employees. Other County employees should make comparable salaries as people in other counties. He said he is trying to pay the people for the time they put in and the sacrifices they make. Judge Barbee said he left a law practice for his job and he is running again. He said this is a progressive county with a great family of employees and we have to take care of them and we should reward them for their work.

Judge Barbee said their caseload is continuing to increase. The increases are justified. He said Youth Court has collected over \$7,800 from parents in cases and will have close to \$10,000 to put back into the General Fund. Judge Barbee said that \$10,000 is what he is requesting to use for the Public Defender's raise. Judge Barbee said they are the fourth largest in dispositions and referrals. He said he has committed to his employees that he will help get their salaries in line with other counties.

Supervisor Thach said everyone wants more and the budget is not final.

Supervisor Medlin said Judge Barbee has done a great job. He said he knows the workload is heavy. He said he did not see the letter Judge Barbee sent in July, but in the past, Judge Barbee has called the Board. Judge Barbee said he has been busy.

Supervisor Medlin asked if Judge Barbee still feels the raises should be the total requested. Judge Barbee said the employees should be paid for what they do.

Supervisor Thach asked about splitting the increases in half between FY03 and FY04. Judge Barbee said, in that case, he would be back next year and next week at the public hearing. Supervisor Thach said the Board is still working on the budget.

Judge Ready said he used to be a State Senator, and now as a Circuit Judge, he does not think anyone can say he ever ordered people to do anything. Judge Ready said he sent a letter on May 31<sup>st</sup> to state the reasons for the requested salary increases. He said he went through the County Administrator for the request as he assumed was proper protocol. Judge Ready said he was not trying to slight anyone.

Judge Ready said he and Judge Barbee do not have authority to order the Board to pay

**ITEM E.1, CONTINUED,**

anything on the Public Defenders. He said Section 25-32-13 of the Mississippi Code does give the Circuit Judge authority to appoint indigent defendants separate council outside the Public Defenders the Board has hired, or he can appoint additional counsel. Judge Ready said if he decides the Public Defenders can't handle the cases, he has authority to hire someone else to handle the cases. He said he does not have authority to make the Board give the requested salary increase, but he can take action to get representation. Judge Ready said he told Public Defender Bill Travis he would have to give up his Chancery practice to avoid conflicts and absences in Circuit Court. Mr. Travis turned in his resignation. Judge Ready said the price of incompetent representation would be high.

Judge Ready said the Chancery and Circuit Courts are under staffed. Eventually, someone is going to have to raise taxes. If people want to maintain this level of life, the Board is going to have to increase taxes.

Judge Ready asked if the Board knew the girls who work for him in the Circuit Clerk's office have to work on Saturday to keep their work up to date.

Judge Ready reminded the Board that the security system is not operational and said it is only a matter of time before a judge was shot in the Courthouse.

Judge Ready said this year 629 criminal cases have been opened in Circuit Court including 964 defendants who must be tried separately. So far this year 1606 people have been indicted. Last year Public Defenders handled 102 cases each. He said he would not know how a private lawyer could take care of 102 criminal cases in one year. Judge Ready said he is hearing about 50 trials each year and that is two times what is being done in other counties. He said he is busier in DeSoto County Circuit Court than some complete districts.

Supervisor Thach asked why Judge Ready didn't want to hire more public defenders with the money from the requested increases and leave those salaries the same.

Mr. Armstrong asked about going to full time public defenders. Judge Ready said that option would be more costly, but he said something must be done to keep the courts from shutting down. Judge Ready suggested getting a study committee together to find a solution. Judge Ready said a full time system would have to mirror the District Attorney's system and include assistants, investigators, other staff, offices and equipment. He said the law sets out what will be provided to a full time system.

Judge Ready presented comparables from other counties to show the DeSoto County workload warrants the salary increases. He said the County has not been paying them for what the job is worth.

Judge Ready asked, in the future, should he go directly to the Supervisors with such requests rather than to go to the County Administrator. Supervisor Thach said anytime the Board is requested to give a 40% to 50% salary increase, he would like to know about it.

Judge Ready commended David Armstrong for this work in the budget and told the Board Mr. Armstrong did not allow everything they requested in the proposed budget.

Supervisor Gerald Clifton said he did not have a problem with the request because the County could not operate without the judicial system. Supervisor Clifton said we are not talking about a great amount of money. We are talking about people being paid for what they do. He said these employees go through a lot and should be praised for their service. They need to be compensated for their work. The County could not operate without them.

Supervisor Medlin said he has a problem with state law if judges can pick up a pencil and say what other offices are going to do with courthouses and other things.

Supervisor Thach said this Board has to be fair with all employees, and he requested splitting the raises between the next two budget years.

**ITEM E.1, CONTINUED,**

Judge Barbee said he is asking the Board for approval for the full amount.

Judge Ready said if his Public Defenders quit, he won't have any choice but to cut back the case load and assign some of the cases. Supervisor Thach asked how much that would cost. Judge Ready said \$1,000 per case.

Supervisor Tommy Lewis asked Judge Barbee if the County would have to hire outside attorneys. Judge Barbee said he did not know.

Supervisor Eugene Thach made the motion to provide a 25% raise to Youth and Justice Court Public Defenders and a 20% raise for Circuit Court Public Defenders. The motion died for lack of a second.

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to approve the requests for court employees as presented in the proposed budget for FY03. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Gene Thach-----	NO
Supervisor Gerald Clifton-----	YES
Supervisor John Caldwell-----	ABSENT
Supervisor Tommy Lewis-----	YES

Supervisor Medlin said this would be the most cost-effective alternative based on the information presented.

Judge Barbee thanked the Board and said he rejoices with the County Administrator=s proposed budget.

**Library** - Mr. Armstrong said that he had received a copy of the cities appropriations since 1988. He said he is confident the County is not supplementing any city through our support of the First Regional Library. In addition, the \$350,000 in the budget will furnish both the Hernando and the Olive Branch libraries.

**District Park Funds** - The Board of Supervisors agreed to carry over any amount in each District Park Fund and add \$25,000 to each district fund for FY03.

**Extension Service** - Supervisor Lewis asked why salaries went up in this budget, but the salary match decreased. Mr. Armstrong said the requested figures came from the Extension Service.

**Beginning Cash Balance** - Mr. Armstrong said the current Ending Cash Balance is \$8,731,592.47 and the projected beginning cash balance is \$7,498,866

**006-171 Victims Witness Coordinators** - Mr. Armstrong said the increase was added to the budget due to a court order from Circuit Court Judge Andy Baker.

**Metro Narcotics Grant** - Mr. Armstrong said the budget would be lowered when the grant is approved.

**Brentwood Originals** - Mr. Armstrong said the County has not received the EDA and state grant fund money on this project, but will begin to receive these shortly. He said the County is attempting to gain clearance to use the extra EDA money. Supervisor Thach asked if this money would be paid back to the County. Mr. Armstrong said Brentwood Originals is an Economic Development project--not a Regional Utility Project. Supervisor Lewis agreed. Mr. Armstrong told the Board the County recently got approval from EPA to use the land donation as part of the County match.

**ITEM E.1. CONTINUED,**

**Road Budget** - Supervisor Thach said he does not think the County should take the Road millage out of the cities. Mr. Armstrong said the County spends a lot of money in the cities outside of the Road millage. Supervisor Eugene Thach made the motion to leave the millage as it was in the FY02 budget and discuss the issue with the cities before the next budget is approved in FY04. Supervisor Jessie Medlin seconded the motion. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----YES  
Supervisor Gene Thach-----YES  
Supervisor Gerald Clifton-----YES  
Supervisor John Caldwell-----ABSENT  
Supervisor Tommy Lewis-----YES

Mr. Armstrong said the millage recommended is the millage necessary to fund the budget. Supervisor Thach said to make this change, you would have to cut the Road Budget because some of that money would end up going to the cities that was proposed to be used in the County. The Board asked the County Administrator to adjust the budget as necessary. Mr. Armstrong said he did not feel comfortable cutting the Road Budget, and said, with the Board=s approval, he would pass the request on to the Road Manager Russell Dorris.

Supervisor Clifton asked if the Road Department shortfall could be legally compensated through the bond money. The Board said that depends on the project. Mr. Armstrong said whatever the Board requests, he will try to figure out a way to make it work.

**Starlanding** - The Board discussed whether engineering alone would be in the range of \$750,000 as budgeted. Mr. Armstrong said, according to Carl Ray Furr, the figure is accurate. Supervisor Medlin suggested realigning Starlanding Road as a possible fix for the railroad problem.

**Getwell Road Signalization** - The Board instructed the County Administrator to take that amount out of the budget as the City has already completed the project and does not plan to bill the County.

**2. City of Hernando Request to Widen West Street and Remove the Curb & Gutter**

Supervisor Tommy Lewis said he has received a request from an Alderman in the City of Hernando to remove the curb and gutter recently installed on West Street and widen the street. The Board of Supervisors asked the County Administrator David Armstrong to contact the Mayor of Hernando to find out the City’s position on the street. The Board of Supervisors discussed asking the County Engineer Andy Swims to look at the street and determine how much it will cost to widen West Street on the east side of the street. No motions were made on this portion of the minutes.

**3. Approval to Return Weapons – Metro Narcotics**

At the recommendation of the Deputy Johnny Combes, Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to remove a Savage, Model 110 7mm Remington Mag Rifle with Bushnell Scope (County Property # \_\_\_) and a Thompson, Model 45, .45 caliber semi-auto pistol, serial #A0C25522 (County Property # \_\_\_) from inventory and return them to their rightful owner. The motion passed by a vote as follows:

Supervisor Jessie Medlin      YES  
Supervisor Eugene Thach      YES  
Supervisor Gerald Clifton      YES  
Supervisor John Caldwell      ABSENT  
Supervisor Tommy Lewis      YES

See Exhibit E.3

ITEM E, CONTINUED,

**4. Report From Committee to Inspect New DHS Building**

At the request of the County Administrator, this item was held over until September 3, 2002.

**5.Approval of Federal Equitable Sharing Agreement – Sheriff’s Department**

At the recommendation of the County Administrator, Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to authorize the Board President to sign the Federal Equitable Sharing Agreement for the DeSoto County Sheriff’s Department. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	ABSENT
Supervisor Tommy Lewis	YES

**6.Approval to Expend the Avails of the One Mill Levy**

Supervisor Gerald Clifton made the motion and Supervisor Jessie Medlin seconded the motion to accept the State Tax Commission’s approval to expend the avails of the one mill levy and make it part of the minutes. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	ABSENT
Supervisor Tommy Lewis	YES

**F. EXECUTIVE SESSION**

The executive session portions of these minutes are recorded under the portion of the minutes called "Executive Session".

**G. OTHER ISSUES**

**1. Bonds - \$18,000,000 Bond Fund**

The Board requested a list of projects in the \$18,000,000 bond fund.

**2. Homestead**

At the recommendation of the Chancery Clerk Supervisor Gene Thach made the motion and Supervisor Jessie Medlin seconded the motion to approve the amended application for Homestead as described in Exhibit G.2. The motion passed by a vote as follows:

Supervisor Jessie Medlin	YES
Supervisor Eugene Thach	YES
Supervisor Gerald Clifton	YES
Supervisor John Caldwell	ABSENT
Supervisor Tommy Lewis	YES

Supervisor Jessie Medlin made the motion and Supervisor Eugene Thach seconded the motion to adjourn until September 3<sup>RD</sup>, 2002 at 9:00 a.m. The motion passed by a vote as follows:

Supervisor Jessie Medlin-----	YES
Supervisor Eugene Thach-----	YES
Supervisor Gerald Clifton-----	YES

**ITEM G.2, CONTINUD,**

Supervisor John Caldwell-----	ABSENT
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Supervisor Tommy Lewis-----YES

THIS the 28<sup>TH</sup>. day of August, 2002, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Jessie L. Medlin, President  
DeSoto County Board of Supervisors